



E. Chese
8-10-99

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

S.D. AUGUSTINE ET AL

Serial No. 08/855,061

Filed: May 13, 1997

For: THERMAL BLANKET

Group Art Unit: 3304

Examiner: M. Graham

Docket No.: AUGA01000012

23/ Disclosure
Statement

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

RECEIVED
JUL 23 1999
TC 3700 MAIL ROOM

COMMUNICATION

Accompanying this paper is an Information Disclosure Statement. On December 21, 1998, a CPA with a Petition to Suspend Prosecution was filed in the USPTO for the subject application. Because of the status of litigation related to the subject matter and priority of this application, the suspension was granted by an Office Action dated March 17, 1999. The litigation has now been heard on appeal by the Court of Appeals, Federal Circuit. The accompanying Information Disclosure Statement forwards a copy of the Decision on Appeal. Subsequent to the decision, Augustine Medical, Inc., the owner by assignment of this patent application, submitted a Petition For Rehearing And Suggestion For Rehearing In Banc, a copy of which is attached. As of this date, the Federal Circuit has not ruled on the Petition, but has asked that Gaymar and Mallinckrodt respond to the petition.

Respectfully submitted,

TERRANCE A. MEADOR
Registration No. 30,298

Date: 15 July 1999

GRAY CARY WARE & FREIDENRICH
401 B Street, Suite 1700
San Diego, California 92101

Telephone: (619) 699-2652 Fax: (619) 236-1048

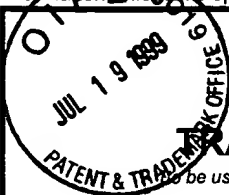
Please type a plus (+) sign inside this box -

+


GP3711
PTO/SB/21 REV 1 (12/97)

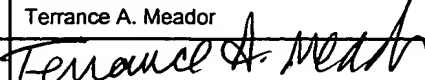
Approved for use through 09/30/2000. omb 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

 TRANSMITTAL FORM <small>to be used for all correspondence after initial filing</small>	Application Number	08/855,061	
	Filing Date	05/13/97	
	First Named Inventor	S.D. Augustine et al	
	Examiner Name	Graham	
	Group Art Unit	3711	
Total Number of Pages in This Submission	4 + postcard	Attorney Docket Number	AUGA01000012

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Checklist and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> To Convert a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Power of Attorney, Revocation	<input checked="" type="checkbox"/> Additional Enclosures (please identify below)
<input checked="" type="checkbox"/> Information Disclosure Statement 1 PTO Form 1449 2 (no.) cited references	<input type="checkbox"/> Change of Correspondence Address	<u>POSTCARD</u>
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> PTO Form 1533 <input type="checkbox"/> Response to Missing Parts Under 37 CFR 1.52 or 1.53	Remarks:	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual Name	Terrance A. Meador Reg. No. 30,298 GRAY CARY WARE & FREIDENRICH
Signature	
Date	15 July 1999

CERTIFICATE OF MAILING		
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: <u>15 July 1999</u>		
Typed or printed name	Terrance A. Meador	
Signature		Date
		15 July 1999